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a further account of this is not necessary. A renewed recognition of the merits of the treatise is sufficient.

*Trichotomy in Roman Law.* By HENRY GOUDY. (Oxford: Clarendon Press, 1910. 77 p.)

In this interesting little work the author develops the thesis that the predilection of Roman jurists for the number three in their legal definitions and classifications is traceable to a desire for artificial symmetry, and is neither logical nor fruitful of any practical result. Roman writers, including the jurists, were profoundly influenced by symbolic numbers in the external arrangement and composition of their work. Professor Goudy begins his illustration of this early symbolism by quoting from the Twelve Tables: "If a *paterfamilias* sells his son three times his *potestas* over the son shall end." He finds particularly strong support for his thesis in the texts and principles of the Institutes of Gaius and Justinian and cognate texts in the Rules of Ulpian and in the Digest. From these sources, he has selected nineteen specific illustrations of the Roman partiality for the tripartite classification. The following will illustrate the author's selections: "All law was either made by consent, or established by necessity or settled by custom." (Modestine in Lib. 1 *Reg.*, Dig. 1; 3, 40). "The subject-matter of private law relates either to persons, or to things or to actions." (Gai. 1, parag. 8; *Inst.* 1. 3 pr.); "Persons are divided into *liberi*, *servi*, and *libertini*" (*Inst.* 1. 5 pr.; Ulpian in Lib., *Institutionum* Dig. 1. 1, 4). He subjects these principles and definitions to a critical examination, and succeeds in showing that they are generally neither logical nor suitable to the treatment of the topics they severally represent.

Within the space of a few pages Professor Goudy tests his thesis in the Roman law of things and actions and finds it equally applicable. Cicero, Seneca and other writers are also drawn upon to bear witness to the truth of the author's theory. The frequent use of the traditional three the author attributes to a tendency of the Jurists (especially Ulpian), more or less conscious, to adopt symbolic tripartite divisions or to invent them. The tendency is largely traceable to the influence of the Stoic and other schools of philosophy.

In the course of the discussion, the author displays that profound

knowledge of Roman law we might expect from the Regius Professor of Civil Law at Oxford.

While not detracting from the logical acumen and power of philosophical analysis of the Roman jurists, Professor Goudy nevertheless claims to have proved, successfully we think, that the classification and definition of legal doctrines were not their strong points. In their subservience to artificiality in these matters, they were "the children of their age."

The work is scholarly, yet most entertaining, a special merit not usually shared by books on Roman law.

EDWIN M. BORCHARD.